

**FILED**

Oct 13 2015

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY s/ jessica DEPUTY

NUNC PRO TUNC

10/8/2015

1 **Clarice Tuck**  
2 **1600 E. Vista Way #110**  
3 **Vista, CA 92084**  
4 **Ph: 760-724-9439**

5 **Plaintiff In Pro Se**

6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **CLARICE TUCK,**

11 Plaintiff,

12 vs.

13 **GUARDIAN PROTECTION SERVICES, INC.)**  
14 **CHARLES D. SCHOLZ, Division Council,**  
15 **DOES 1-25,**

16 Defendant's,

) **CIVIL ACTION NO. 15CV1376 JLS JLB**

) **PLAINTIFF MOTION TO EXTEND TIME**  
) **Fed.Civ.R 6(b)(B)**  
) **FOR EXCUSABLE NEGLECT FOR TIME**  
) **TO OPPOSE DEFENDANT'S MOTION**  
) **TO DISMISS 12B6 FOR FAILURE TO**  
) **STATE A CLAIM AND RESET CASE**  
) **MANAGEMENT CONFERENCE**

17 Comes now, CLARICE TUCK, Plaintiff In Pro Se in the above-entitled case does  
18 timely move this honorable court for a motion to extend time to respond pursuant to  
19 Fed.Civ.R. 6(b)(B), Fed. Civ.R.7(b)<sup>1</sup>.

20 I, CLARICE TUCK, the Plaintiff in the above-entitled case was to file my  
21 Opposition to Defendants's Motion to Dismiss for Failure to State a Claim 12B6  
22 by October 8, 2015 by order of the court. I, the Plaintiff, would now timely request the  
23 honorable court to extend out my time to file my Opposition to Defendant's Motion to  
24 Dismiss for Failure to State a Claim 12B6 to the date of November 13, 2015, and further  
25 requests the court's scheduling calendar be adjusted as the court deems proper.

26 I, CLARICE TUCK the Plaintiff am almost 87 years old and I am asking the  
27 assistance of my son (Roy Tuck) in the preparation of these filings.

28 <sup>1</sup> Rule 6. Computing and Extending Time; Time for Motion Papers  
(b) Extending time.

(B) on motion made after the time has expired if the party failed to act due to excusable neglect.

OCT 08 2015  
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
**RECEIVED**

*Court Copy*

1 Attached hereto and incorporated herein by reference is a brief in support of this  
2 Motion to Extend Time, with a detailed prayer for specific relief requested.

3  
4 Clarice Tuck  
5 CLARICE TUCK

6 **PLAINTIFF'S MOTION TO EXTEND TIME**  
7 **NOTICE OF HEARING**  
8 **Federal Civil Rule R.7**

9 Unless this court deems otherwise, this hearing date for said Motion will be set for  
10 hearing on Friday November 6, 2015 at 9:00 a.m. and a response hereto will be set for  
11 seven (7) days after this hearing date or Friday November 13, 2015.

12 Clarice Tuck  
13 CLARICE TUCK

14 **BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO EXTEND TIME**

15 Plaintiff timely brings this Motion to Extend Time to File her Opposition to  
16 Defendant's Motion to Dismiss for Failure to State a Claim 12B6 by November 13, 2015,  
17 and to have the hearing on this matter held on November 6, 2015 as ordered by the court.  
18 This motion is timely, not meant to delay nor cause any prejudice or harm to another party.

19 **ARGUMENT IN LAW**

20 **1. Fed.Civ.R.6(b)(B) states:**

21 Computing and Extending Time; Time for Motion Papers;(b) Extending Time; (B)  
22 on motion made after the time has expired in if the party failed to act because of excusable  
23 neglect. Plaintiff if elderly and is in need of her sons assistance in preparing filings.

24 **PRAYER**

25 Plaintiff respectfully moved this honorable court to grant Plaintiff's Motion to  
26 Extend Time because of excusable neglect as a "matter of law"

27 Signed this \_\_\_\_ day of October 2015

Respectfully submitted,

28 Clarice Tuck  
CLARICE TUCK Plaintiff "In Pro Se"

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I am a resident of the County of San Diego, State of California, and at the time of service I was over 18 years of age and not a party to this action. My address is

1600 E. Vista Way, #85, Vista, CA 92084

**On October 8, 2015 I served the following document (s) described as:**

## PLAINTIFF'S MOTION TO EXTEND TIME

**I served the documents on the persons below, as follows:**

**Robert M. Linn (SBN 190387)**

**625 Liberty Avenue**

**Pittsburg, PA 15222-3152**

rlinn@cohenlaw.com

**412-297-4900**

**412-209-0672 (fax)**

X (BY MAIL) I placed said document(s) in a sealed envelope, with postage thereon fully prepaid for first class mail, and placed such envelope in the United States mail at Sonoma County, California.

**I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.**

**Date: October 8, 2015 at Vista, California.**

## Roy Tuck

(Type or Print Name of Declarant)

Ray Turk  
(Signature of Declarant)